

APPEAL NO. 040622
FILED MAY 3, 2004

This appeal arises pursuant to the Texas Workers' Compensation Act, TEX. LAB. CODE ANN. § 401.001 *et seq.* (1989 Act). A contested case hearing was held on February 10, 2004. The hearing officer determined that the respondent (claimant) sustained a compensable injury on _____, and that he had disability from January 28, 2003, to the present. The appellant (self-insured) appealed the hearing officer's injury and disability determinations on sufficiency of the evidence grounds. The claimant responded, urging affirmance.

DECISION

Affirmed.

The hearing officer did not err in determining that the claimant sustained a compensable injury and has had disability. These determinations involved questions of fact for the hearing officer to resolve. The hearing officer is the sole judge of the weight and credibility of the evidence (Section 410.165(a)) and, as the trier of fact, resolves the conflicts and inconsistencies in the evidence, including the medical evidence (Texas Employers Insurance Association v. Campos, 666 S.W.2d 286 (Tex. App.-Houston [14th Dist.] 1984, no writ)). In view of the evidence presented, we cannot conclude that the hearing officer's determinations are so against the great weight and preponderance of the evidence as to be clearly wrong or manifestly unjust. Cain v. Bain, 709 S.W.2d 175, 176 (Tex. 1986).

Both at the hearing, and again on appeal, the self-insured asserts that it had tendered a bona fide offer of employment (BFOE) to the claimant on December 2, 2003. Whether or not the self-insured had tendered a BFOE was not certified as an issue before the hearing officer. Accordingly, we decline to address it on appeal.

The hearing officer's decision and order is affirmed.

The true corporate name of the insurance carrier is **(a certified self-insured)** and the name and address of its registered agent for service of process is

**U.S. CORPORATE SERVICES
800 BRAZOS STREET
AUSTIN, TEXAS 78701.**

Daniel R. Barry
Appeals Judge

CONCUR:

Chris Cowan
Appeals Judge

Edward Vilano
Appeals Judge